

Amendments to the Claims:

The listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A viscosity-stable smectite clay slurry, comprising:

(a) at least 2 wt% of one or more natural, sodium smectite clays[[,]] on an active clay basis;

(b) from about 0.5 to 15 wt% based on the weight of the smectite clay on an active clay basis of one or more phosphonate additives; and

(c) water,

wherein the phosphonate additive is selected from the group consisting of:

(a) phosphonate compounds that contain at least two moieties having the structure $-\text{PO}(\text{OH})_2$, and salts thereof, and

(b) phosphinate compounds that contain at least two moieties having the structure $-\text{PO}(\text{OH})$, and salts thereof, and

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(c) compounds which form phosphonic or phosphinic acids, or salts thereof, under the conditions present in making the slurry.

2. (Original) A smectite clay slurry according to Claim 1, wherein the smectite clay is hectorite.

3. (Original) A smectite clay slurry according to Claim 2, wherein the smectite clay is beneficiated hectorite.

4. (Currently Amended) A smectite clay slurry according to Claim 1, wherein the clay slurry comprises 5 – 20 wt.% clay[[,]] on an active clay basis.

5. (Original) A smectite clay slurry according to Claim 1, further comprising a biocide.

6. (Canceled)

7. (Original) The smectite clay slurry according to Claim 1 wherein the phosphinate additive is selected from the group consisting of:

(a) diphosphonic acids of formula $R^1R^2C(PO(OH)_2)_2$ and their salts, and

(b) diphosphonic acids of formula $R^1-CR^2(PO(OH)_2)-R^3-CR^2PO(OH)_2-R^1$ and their salts, and

(c) phosphonic acid salts with general formula $R^1R^4C=C(PO(O^-))_2$ where R^1 is selected from the group comprising H, a linear or branched alkyl, alkene, hydroxyalkyl, aminoalkyl, hydroxyalkene, aminoalkene with 1 to 22 carbon atoms or an aryl, hydroxyaryl, aminoaryl with 6 to 22 carbon atoms; R^2 is selected from the group comprising R^1 and OH; R^3 is an alkyl with 0 to 22 carbon atoms and R^4 is selected from the group R^1 .

8. (Original) A smectite clay slurry according to Claim 1, wherein the phosphonate additive is selected from the group consisting of 1-hydroxyethylene-1,1diphosphonic acid, a sodium salt thereof or an ester thereof.

9. (Currently Amended) A smectite clay slurry according to claim 8, wherein ~~the~~ a pH is in a range of about 6 to about 8.

10. (Currently Amended) A viscosity-stable smectite clay slurry comprising:

(a) about 2 to 25 wt.% natural, sodium hectorite clay on an active clay ~~base~~ basis;

(b) about 0.5 to 6 wt.% based on the weight of the sodium hectorite clay on an active clay basis of one or more phosphonate additives; and

(c) water,

wherein the phosphonate additive is selected from the group consisting of:

(a) phosphonate compounds that contain at least two moieties having the structure $-\text{PO}(\text{OH})_2$, and salts thereof, and

(b) phosphinate compounds that contain at least two moieties having the structure $-\text{PO}(\text{OH})$, and salts thereof, and

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(c) compounds which form phosphonic or phosphinic acids, or salts thereof,
under the conditions present in making the slurry.

11. (Original) A smectite clay slurry according to Claim 10, where the phosphonate additive is selected from the group consisting of a 1-hydroxyethylene-1,1-diphosphonic acid, a salt thereof, and an ester thereof.

12. (Currently Amended) A method of making a smectite clay slurry, comprising:

(a) treating mixture of one or more sodium smectite clays and water with one or more phosphonate additives to form a clay slurry; and

(b) adjusting ~~the~~ a pH of the clay slurry to above 5.5.

13. (Original) A method of making a smectite clay slurry according to claim 12, wherein the adjusting of the pH is done by adding HCl, H₃PO₄, H₂SO₄, or CH₃COOH.

14. (Original) A method of making a smectite clay slurry, comprising:

(a) treating a mixture of one or more smectite clays and water with one or more phosphonate additives to form a clay slurry; and

(b) shearing the clay slurry.

15. (Original) A method according to Claim 14, wherein the smectite clay is hectorite.

16. (Original) A method according to Claim 14, wherein the phosphonate additive is 1-hydroxyethylene-1,1-diphosphonic acid tetra sodium salt.

17. (Original) A method of making a smectite clay slurry according to Claim 14, wherein the shearing is performed by a Gaulin homogenizer.

18. (Original) A construction material comprising the smectite clay slurry according to Claim 1.

19. (Original) A construction material comprising the clay slurry according to Claim 1, wherein the construction material is selected from the group of concrete, asphalt, cement, or sand.

20. (Original) A paint comprising the smectite clay slurry according to Claim 1 .

21. (New) A method of making a smectite clay slurry, comprising:

- (a) providing one or more sodium smectite clays;
- (b) beneficiating the one or more sodium smectite clays;
- (c) treating a mixture of the one or more beneficiated sodium smectite clays and water with one or more phosphonate additives to form a clay slurry;
- (d) adjusting the pH of the clay slurry to above 5.5.

22. (New) A method of making a smectite clay slurry, comprising:

- (a) providing one or more sodium smectite clays;
- (b) processing the smectite clays to form sodium exchanged, sodium smectite clays;
- (c) treating a mixture of the one or more sodium exchanged, sodium smectite clays and water with one or more phosphonate additives to form a clay slurry;
- (d) adjusting the pH of the clay slurry to above 5.5.